

### REMARKS

In response to the action of September 21, 2007, applicants asks that all claims be allowed in view of the amendments to the claims and the following remarks.

Claims 1-3, 5-7, 10-13, 15-17, 19 and 20 are currently pending, of which 1, 7, and 15 are independent. Claims 1, 7, and 15 have been amended, and claims 4, 8, 9, 14 and 18 have been cancelled. Support for the amendments may be found in the application at, for example, page 8, line 1 to page 14, line 16 and FIGS. 2A-2B. No new matter has been introduced.

Claims 1, 7, 15 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 10, and 19 of copending Application No. 10/784,848. Without conceding obviousness, applicant respectfully requests that this provisional rejection be held in abeyance until the claims of both this application and those in Application No. 10/784,848 are otherwise held to be allowable.

Claims 1-20 have been rejected under 35 U.S.C. § 103 as being unpatentable over Bracho (U.S. Patent No. 5,870,605) in view of Cheng (U.S. Patent No. 5,884,324). Applicant requests reconsideration and withdrawal of the rejection because, as described below, Bracho and Cheng, alone or in any proper combination, do not describe or suggest the subject matter of independent claims 1, 7, and 15.

More particularly, amended claim 1 (emphasis added) recites:

A computer-readable medium having embodied thereon a computer program configured to generate data subscriptions, the medium comprising one or more code segments configured to:

*receive user input identifying a publication to be used to create data subscriptions*, the publication being one of multiple predetermined publications identifying a type of data capable of being distributed to data sites;

*receive user input identifying a distribution criterion* by which data is to be distributed to data sites by subscriptions automatically generated without human intervention;

*store*, in computer-readable medium for later access, *subscription-generation information including the identified publication and the identified distribution criterion*;

access, using a first computer system, the subscription-generation information identifying the publication and the distribution criterion;

access, using the first computer system and the accessed subscription-generation information, application data of various data types, including the type of data identified by the subscription-generation information;

*generate, using the first computer system, data subscriptions for the publication to be distributed to data sites corresponding to computer systems that are distinct from the first computer system, the computer systems and the first computer system being connected in a network of distributed computer systems operating an application program having the application data of the various data types, wherein each data subscription 1) is generated automatically by the first computer system based only on the type of data to be distributed to data sites, the accessed application data, and the distribution criterion and 2) identifies a portion of the application data to be distributed to one or more of the data sites of the second computer system;*

*generate assignments of data sites to the generated data subscriptions, the assignments being generated based on application data, using the first computer system, and automatically without human intervention;*

store, in computer-readable medium for later access, the generated assignments;  
and

*distribute a portion of the application data to the data sites corresponding to computer systems, the distribution being based on the data subscriptions generated by the first computer system and the generated assignments.*

In contrast, Bracho describes techniques for making information available via a networked system of publishers and subscribers. See Bracho at col. 1, lines 19-21. “Publishers” publish information, and “subscribers” request and use the information. See Bracho at col. 1, lines 63-65. In particular, each subscriber receives information (or an event) published by the publisher if, and only if, the events match subscription criteria specified by the subscriber. See Bracho at Abstract; col. 2, lines 19-21. To receive information, the subscribers register a subscription for an event type. See Bracho at col. 8, lines 44-46. Subscribers then specify the information that they want to receive by an event type and the content of the event. See Bracho at col. 5, lines 24-25.

As such, Bracho describes a system in which information is published to subscribers based on the event and the content of the event as specified by the subscriber. Even assuming for the sake of argument only that the action's contention that in Bracho “user specifying what

they want is essentially setting the distribution criterion” (see action at page 6, lines 9-10) is correct, Bracho relies on the subscribers to register a subscription for an event type and indicate the content and types of events that the subscriber wishes to receive. In contrast to Bracho’s approach, amended claim 1 recites (among other features):

generating, using the first computer system, data subscriptions for the publication to be distributed to data sites corresponding to computer systems that are distinct from the first computer system,

generating assignments of data sites to the generated data subscriptions, the assignments being generated based on application data, using the first computer system, and automatically without human intervention; and

distributing a portion of the application data to the data sites corresponding to computer systems, the distribution being based on the data subscriptions generated by the first computer system and the generated assignments.

Cheng does not remedy the failure of Bracho to describe or suggest the noted features of claim 1, nor does the final Office Action assert that Cheng does so. Rather, action relies on Cheng to disclose identifying “a portion of the application data to be distributed to one or more of the data sites.” See action at page 5, lines 12-14.

Cheng describes techniques for accessing information stored in a database on a database management system. See Cheng at col. 1, lines 6-8. Cheng’s techniques include a replication agent for providing replicated data from the database management system to a remote user. See Cheng at col. 1, lines 8-10. Cheng’s replication agent receives a subscription message from the remote client. See Cheng at col. 3, lines 45-47. The subscription message identifies data that the remote client wants replicated from the database management system and specifies a replication period. See Cheng at col. 3, lines 48-53. The data replication agent accesses and reads a change log stored in the database management system and transmits changed data to the remote client. See Cheng at col. 3, lines 59-62 and 65-66.

As such, Cheng’s techniques disclose receiving, from a remote client, a subscription message that identifies data to send to the remote client, and transmitting changes data to that remote client in response to the received request. Thus, Cheng does not remedy the failure of Bracho to describe or suggest i) generating, using the first computer system, data subscriptions

for the publication to be distributed to data sites corresponding to computer systems that are distinct from the first computer system, ii) generating assignments of data sites to the generated data subscriptions, the assignments being generated based on application data, using the first computer system, and automatically without human intervention; and iii) distributing a portion of the application data to the data sites corresponding to computer systems, the distribution being based on the data subscriptions generated by the first computer system and the generated assignments, as recited by amended claim 1.

Accordingly, neither Bracho nor Cheng, nor any proper combination of these references, describes or suggests the subject matter recited by amended claim 1. For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 1 and claims 2, 3, 5 and 6, which depend from claim 1.

Claim 15 recites subject matter similar to that of claim 1, but claim 15 does so in the context of a method for generating data subscriptions. Thus, for the reasons discussed above, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 15 and claims 16, 17, 19 and 20, which depend from claim 15.

Independent claim 7 recites, *inter alia*, a central system having a central database storing application data of various data types for an application program, storing data subscriptions to receive portions of the application data and configured to generate assignments of data subscriptions to distributed systems such that each assignment identifies a particular data subscription and a particular distributed system that is to receive a portion of the type of application data that corresponds to the distribution criteria for the type of application data included in the data subscription. The assignments of data subscriptions are automatically generated based on the application data and the distribution criteria.

As discussed above, Bracho relies on the subscribers to register a subscription for an event type and indicate the content and types of events that the subscriber wishes to receive. In contrast, amended claim 7 recites the assignments of data subscriptions are automatically generated based on the application data and the distribution criteria. Furthermore, and as discussed above, Cheng does not remedy the failure of Bracho to describe or suggest this feature.

Because neither Bracho, Cheng, nor any proper combination of these references describes or suggests at least this feature of claim 7, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 7 and claims 10-13, which depend from claim 7.

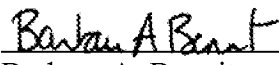
Applicant submits all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due in connection with the filing of this paper on the Electronic Filing System (EFS). In the event that any fees are due, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: December 21, 2007

  
\_\_\_\_\_  
Barbara A. Benoit  
Reg. No. 54,777

**Customer No.: 32864**  
Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331